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RESOLUTION NO. 2018-08

**A RESOLUTION OF SEWARD COUNTY, KANSAS, DETERMINING
THE ADVISABILITY OF FINANCING THE ACQUISITION OF A
BUILDING FOR COUNTY PURPOSES BY THE EXECUTION AND
DELIVERY OF A LEASE PURCHASE AGREEMENT.**

WHEREAS, the Board of County Commissioners (the “Governing Body”) of Seward County, Kansas (the “County”) has considered the need of the County and its residents for the acquisition of a building for County purposes, including for use by the County Fire Department (the “Improvements”), and have found and determined that the acquisition of the Improvements is in the public interest; and

WHEREAS, the Governing Body has considered various means of financing the acquisition of the Improvements, and has found and determined that it would be in the public interest to acquire the Improvements through the execution and delivery of a lease purchase agreement; and

WHEREAS, pursuant to K.S.A. 19-101 *et seq.*, and subject to the conditions set forth in K.S.A. 10-1116c, the County has legal authority to authorize the acquisition of the Improvements and the financing of such acquisition through the execution and delivery of a lease purchase agreement.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEWARD COUNTY, KANSAS;

Section 1. Authorization to Acquire, Construct and Equip the Improvements. The County is hereby authorized to complete final plans and specifications and to acquire the Improvements, at an estimated cost of not to exceed \$385,000.00.

Section 2. Intent to Enter into Lease Purchase Agreement. The Governing Body and County staff shall commence negotiations to enter into a lease purchase agreement (the “Lease”) to provide financing for the acquisition of the Improvements, which Lease shall contain such terms, conditions and provisions as shall be acceptable to the Governing Body.

Section 3. Conditions to Execution and Delivery of Lease. The execution and delivery of the Lease is subject to the publication and protest period requirements of K.S.A. 10-1116c, adoption of a resolution approving the forms and authorizing the execution of the Lease and execution and delivery of such legal documents as may be necessary in connection with it, the terms of which shall be satisfactory to the Governing Body and to the lessor named therein.

Section 4. Expenditure of Funds in Anticipation of Financing. In order to permit and expedite the acquisition of the Improvements and realization of the public benefits to be derived from it, the County may expend lawfully available funds prior to execution and delivery of the Lease, which may be reimbursed upon execution and delivery of the Lease. This Resolution shall constitute a declaration of official intent under Treasury Regulation Section 1.150-2.

Section 5. Total of Payments; Publication of Resolution. The expected total of all payments to be made by the County pursuant to the Lease (excluding amounts required for maintenance, taxes or insurance on the Improvements) is \$473,657.65. The County Clerk is hereby authorized and directed to publish this Resolution once each week for 2 consecutive weeks in a newspaper of general circulation within the boundaries of the County. If a protest petition signed by not less than 5% of the qualified voters of the County, as determined by the vote for secretary of state at the last general election, is filed with the County election officer within 30 days following the last publication of this Resolution, the proposed Lease shall not take effect unless approved by a majority of the qualified voters of the County voting at an election to be held thereon as prescribed in K.S.A. 10-1116c.

Section 6. Further Authority. The officials and staff of the County, the County Counselor, Gilmore & Bell, P.C., the County's bond counsel, and other consultants are authorized to proceed with the planning and document preparation of the Improvements, the Lease and other legal documents necessary in order to comply with the intent of this resolution, subject to final approval of such documents by the Governing Body.

ADOPTED by the Board of County Commissioners of Seward County, Kansas, on May 29, 2018.

(SEAL)

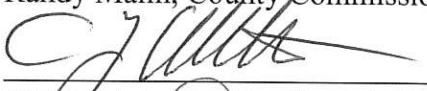





Nathan McCaffrey, Chairman
County Commissioner



Randy Malin, County Commissioner



CJ Wettstein, County Commissioner

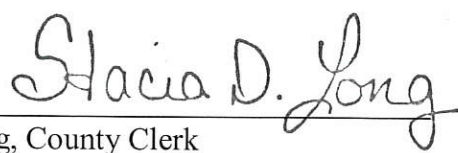


Ada Linenbroker, County Commissioner



Jim Rice, County Commissioner

ATTEST:



Stacia Long, County Clerk